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2011 JUN 13 33  
BY: [Signature]  
DEPT. CLERK

**IN THE UNITED STATES DISTRICT COURT, CENTRAL DIVISION  
DISTRICT OF UTAH**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUGUSTUS CARTER,

Defendant.

**ORDER OF CONTINUANCE  
18 U.S.C. § 3161(h)(8)(A)**

Case No. 2:02 CR 0390 DAK

Honorable Dale A. Kimball

The Court, based on motion of counsel, hereby orders that trial in this matter be continued. The Court specifically finds that the ends of justice served by continuing this matter outweigh the best interest of the public and the defendant in a speedy trial. In addition, the Court hereby determines that the period of delay caused by a continuance is excludable in computing the time within which the trial in this matter must commence pursuant to 18 U.S.C. § 3161.

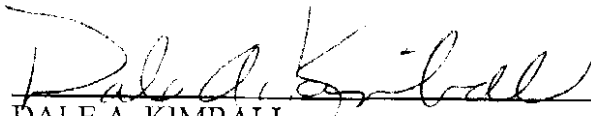
The Order of Continuance, which is based on the specific factor delineated in 18 U.S.C. § 3161(h)(8)(B)(iv), is ordered because failure to grant a continuance in this case would deny the defendant and his counsel the reasonable time necessary for effective preparation, taking

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into account the exercise of due diligence. Since defense counsel requests additional time because of scheduling conflicts, the Court finds that due diligence has been exercised in this matter by all parties.

Therefore, it is hereby ordered that the trial in this matter, currently set for the 6<sup>th</sup> day of January, 2003, be continued and that a new trial be set to commence on the 6<sup>th</sup> day of March, 2003, at the hour of 8:30 a.m./~~p.m.~~

SIGNED BY MY HAND this 20<sup>th</sup> day of December, 2002.

  
DALE A. KIMBALL  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that I mailed a true and correct copy of the foregoing Order of Continuance 18 U.S.C. § 3161(h)(8)(A), on the case styled *United States of America v. Augustus Carter*, postage prepaid, this \_\_\_\_ day of December, 2002, to the following:

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Assistant United States Attorney  
United States Attorney's Office  
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alp

United States District Court  
for the  
District of Utah  
December 23, 2002

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:02-cr-00390

True and correct copies of the attached were either mailed, faxed or e-mailed  
by the clerk to the following:

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